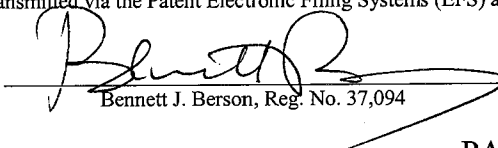


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Date of Signature and Deposit: November 16, 2007


Bennett J. Berson, Reg. No. 37,094

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Elof Eriksson, *et al.*

Date: November 16, 2007

Serial No.: 10/775,449

Art Unit: 3731

Filing Date: February 10, 2004

Examiner: Melanie Ruano Tyson

Title: METHOD AND APPARATUS FOR
DERMAL TISSUE HARVESTING

File No.: 310558.00002

Confirmation No.: 9419

RESPONSE TO REQUIREMENT FOR RESTRICTION

Mail Stop Amendment
Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In an Office Action mailed July 18, 2007, the Examiner in charge of the above-identified application required restriction of pending Claims 1-13 to either Group I (Claims 1-12, drawn to a device), or Group II (Claim 13, drawn to a method).

In response, Applicants provisionally elect Group I with traverse. The Examiner asserts that the inventions are distinct because the apparatus as claimed can be used to practice another and materially different process. Applicants respectfully traverse the Examiner's basis for showing distinction between the groups. The Examiner asserts that the apparatus can be used simply for shaving. However, the structures recited in the apparatus claim preclude use simply as a razor. Claim 1 recites a support ramp attached to the housing to defining an angle with

respect to the base and a cutting blade coupled to the support ramp, the cutting blade defining a cutting edge extending through the slot to a depth lower than the forward base position.

Applicants cannot envision shaving with such an apparatus without significant risk of penetrating into the tissue. Although some operational range is permitted, it seems unreasonable to assert that an apparatus specifically designed to penetrate the skin can be safely and reasonably manually operated to shave.

On the other hand, method Claim 13 specifically recites and incorporates the structures of the apparatus of Claim 1, and states that the cutting blade penetrates into the tissue. Accordingly, the process and apparatus for its practice are sufficiently related that the claims should be examined together.

Reconsideration of the requirement for restriction is respectfully requested.

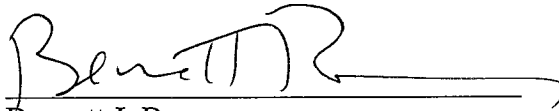
The Examiner also identified three allegedly patentably distinct species relating to blades depth-setting screws, and mounting brackets, respectively. The Examiner required election of a single species for prosecution on the merits and listing of all claims that read upon the elected species. In response, applicants elect Species I, relating to the blades. Applicants maintain that all of apparatus Claims 1-12 and method claim (by its reference to the apparatus of Claim 1) read on Species I. The provision of depth-setting screws, or mounting brackets, is not mutually exclusive from the provision of the blades as set forth in generic Claim 1. Because the features of Species II and III are optional embodiments of an apparatus having blades as claimed, the requirement for election of species is respectfully traversed.

A Petition for an extension of time of three months accompanies this response so the response will be deemed to have been timely filed. Should any additional extension of time be due in this or any subsequent response, please consider this to be a petition for the appropriate extension of time and request to charge the petition fee to Deposit Account No. 17-0055.

Attorney Docket No. 310558.00002
Applicant(s): Eriksson et al.
Filing Date: 10 FEB 2004
Application No.: 10/775,449
Art Unit: 3731
Date of Office Action: 18 JULY 2007
Date of Response: 16 NOV 2007
Examiner: Melanie Ruano Tyson

No other fee is believed due in connection with this response. However, should any other fee be due in this or any subsequent response, please consider this a request to charge the fee to the same deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bennett J. Berson", with a long horizontal line extending to the right.

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